

BY AUTHORITY

2 ORDINANCE NO. _____
3 SERIES OF 2012

COUNCIL BILL NO. CB12-0296
COMMITTEE OF REFERENCE:

Land Use, Transportation, and Infrastructure

A BILL

For an ordinance vacating a portion of right-of-way at the corner of 32nd Avenue and a cross alley near Tejon Street, with reservations.

10 **WHEREAS**, the Manager of Public Works of the City and County of Denver has found and
11 determined that the public use, convenience and necessity no longer require that certain area in the
12 system of thoroughfares of the municipality hereinafter described and, subject to approval by
13 ordinance, has vacated the same with the reservations hereinafter set forth:

14 NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF
15 DENVER:

17 **Section 1.** That the action of the Manager of Public Works in vacating the following
18 described area in the City and County of Denver and State of Colorado, to wit:

PARCEL DESCRIPTION ROW 2012-0025-01-001

A parcel of land being a portion of Lot 7, Block 22, Kasserman's Addition and part of Wheelers Addition, and of the Alley between Lot 6 of said Block 22 and said Lot 7 in the SW 1/4, Section 28, Township 3 South, Range 68 West of the 6th P.M., City and County of Denver, State of Colorado, more particularly described as follows:

Beginning 189.65 feet East of the Northwest corner of said Block 22, Kasserman's Addition and part of Wheelers Addition, thence continuing East along the North Line of said Kasserman's Addition and part of Wheelers Addition a distance of 43.80 feet, thence S00°20'00"W a distance of 11.60 feet, thence S44°37'15"W a distance of 23.26 feet, thence N44°22'43"W a distance of 39.27 feet to the point of beginning, City and County of Denver, State of Colorado.

21
22 be and the same is hereby approved and the described area is hereby vacated and declared
23 vacated:

1 PROVIDED, HOWEVER, said vacation shall be subject to the following reservations:
2 A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its
3 successors and assigns, over, under, across, along, and through the portion of the vacated area as
4 described below ("Easement Area") for the purposes of constructing, operating, maintaining,
5 repairing, upgrading and replacing public or private utilities including, but not limited to, storm
6 drainage, sanitary sewer, and water facilities and all appurtenances to said utilities. A hard surface
7 shall be maintained by the property owner over the entire Easement Area. The City reserves the right
8 to authorize the use of the reserved easement by all utility providers with existing facilities in the
9 Easement Area. No trees, fences, retaining walls, landscaping or structures shall be allowed over,
10 upon or under the Easement Area. Any such obstruction may be removed by the City or the utility
11 provider at the property owner's expense. The property owner shall not re-grade or alter the ground
12 cover in the Easement Area without permission from the City and County of Denver. The property
13 owner shall be liable for all damages to such utilities, including their repair and replacement, at the
14 property owner's sole expense. The City and County of Denver, its successors, assigns, licensees,
15 permittees and other authorized users shall not be liable for any damage to property owner's property
16 due to use of this reserved easement.

17 COMMITTEE APPROVAL DATE: April 19, 2012 [by consent]

18 MAYOR-COUNCIL DATE: April 24, 2012

19 PASSED BY THE COUNCIL: _____, 2012
20 _____ - PRESIDENT

21 APPROVED: _____ - MAYOR _____, 2012

22 ATTEST: _____ - CLERK AND RECORDER,
23 EX-OFFICIO CLERK OF THE
24 CITY AND COUNTY OF DENVER

25 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2012; _____, 2012

26 PREPARED BY: - Brent A. Eisen, Assistant City Attorney DATE: April 26, 2012

27 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the
28 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
29 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
30 3.2.6 of the Charter.

31

32 Douglas J. Friednash, Denver City Attorney

33 BY: _____, City Attorney

34 DATE: _____, 2012